

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

THE ANDERSONS, INC.,

Plaintiff,

vs.

**AMAZING GRAINS FARM, JLT AGRI
LLC, MST AGRI LLC, MICHAEL THEDE,
and JEAN THEDE,**

Defendants.

4:23CV3210

**ORDER ON
MOTION TO WITHDRAW**

This matter is before the Court on the Motion to Withdraw ([Filing No. 63](#)) filed by Donald L. Swanson and Patrick Kimmel of the law firm Koley Jessen P.C., L.L.O., counsel for the defendants, Amazing Grains Farm; JLT Agri LLC; MST Agri LLC; Michael Thede; and Jean Thede. According to their motion, on October 16, 2024, the now-dismissed defendants, Dean and Janet Thede, filed a petition for Chapter 12 bankruptcy in the United States Bankruptcy Court for the District of Nebraska (Case No. 24-40989), and retained Mr. Swanson and Mr. Kimmel to represent them in that matter. Counsel believe their continued representation of Defendants in this case “might be construed as an interest that is materially adverse to the bankruptcy estate,” and therefore seek to withdraw. During the telephone conference held on November 6, 2024, moving counsel advised the Court of their intent to withdraw. After review,

IT IS ORDERED:

1. The Motion to Withdraw ([Filing No. 63](#)) filed by Donald L. Swanson and Patrick Kimmel of the law firm Koley Jessen P.C., L.L.O. is granted.
2. Withdrawing counsel shall immediately serve a copy of this Order upon the defendants, and thereafter file proof of service showing compliance with this Order, listing the names and addresses of the persons to whom notice was sent. Withdrawing counsel will not be relieved of applicable duties to the Court, their clients, and opposing counsel until such proof of service is filed.

3. The Clerk of Court shall terminate electronic notice to Donald L. Swanson and Patrick Kimmel upon filing of the Certificate of Service required by Paragraph 2.
4. Corporate entities cannot litigate in this forum without representation by licensed counsel. See *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 347-48 (8th Cir. 1994). On or before **December 20, 2024**, the corporate defendants shall obtain the services of new counsel and have that attorney file an appearance on their behalf. If substitute counsel does not enter an appearance by that date, the Court may file an entry and/or judgment of default against the corporate defendants.
5. Defendants Michael and Jean Thede are individuals and may choose to proceed without the assistance of counsel. On or before **December 20, 2024**, Michael and Jean Thede shall either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of their intent to litigate this case without the assistance of counsel.

Dated this 18th day of November, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge